

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 15 July 2009 has been entered.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Erik Swanson on 25 September 2009.

The application has been amended as follows:

In regard to claim 15, amend as follows –

Claim 15 (Currently amended): A scanning microscope comprising:

at least one light source configured to generate an illuminating light beam;
an acousto-optical element configured to spatially split a sub-light beam
from the illuminating light beam ~~and adjust an optical power of the illuminating~~

~~light beam~~ so as to provide an adjusted illuminating light beam for scanning a sample and the sub-light beam for manipulating the sample;
a beam deflection device configured to scan the adjusted illuminating light beam over or through a the sample; and
a beam guiding device configured to direct the sub-light beam split by the acousto-optical element onto the sample so as to manipulate the sample.

Allowable Subject Matter

3. Claims 15 and 17-29 are allowed.

4. The following is an examiner's statement of reasons for allowance:

Claim 15 is allowable for at least the reason, "an acousto-optical element configured to spatially split a sub-light beam from the illuminating light beam so as to provide an adjusted illuminating light beam for scanning a sample and the sub-light beam for manipulating the sample" as set forth in the claimed combination. Claims 17-29 are allowable due to their dependence on claim 15.

The arguments in the applicant's remarks of 16 June 2009 on page 6 of 8 were persuasive.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALESSANDRO AMARI whose telephone number is (571)272-2306. The examiner can normally be reached on Monday-Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephone B. Allen can be reached on (571) 272-2434. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ava
27 September 2009

/Alessandro Amari/
Primary Examiner, Art Unit 2872